

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28741-2021 (O &M)

Date of decision: 06.07.2022

Ishtihag

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gautam Dutt, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-22628-2022

Allowed as prayed for. Anneuxre P-4 is taken on record,
subject to all just exceptions.

CRM-M-28741-2021

Through this petition, the petitioner seeks regular bail in case bearing FIR No.171 dated 08.12.2019, registered at Police Station Panjokhra, District Ambala, under Sections 279 and 304-A IPC and Sections 302, 419, 420 and 120-B IPC (added later on).

Learned counsel for the petitioner contends that initially, the petitioner was the complainant in the present case, but after 10 days of the occurrence, on the complaint of Zamil Khan, who is ex-husband of deceased-Nazma Khan, the petitioner was involved in the present case. Learned counsel further contends that allegations against the petitioner are that he as well as one Samoon Khan, who is the brother-in-law of the petitioner and the present husband of the deceased, is known to the owner

of the truck in question and all of them had the phone calls exchanged between them, the details of which are with the police.

Learned counsel further contends that initially, the FIR was registered under Sections 279 and 304-A IPC and it was only on the statement of Zamil Khan, Section 302 IPC was added to the present case. He further contends that subsequent complainant-Zamil Khan, ex-husband of the deceased, while appearing before the trial Court as PW 7, has not supported the prosecution version. The petitioner has been in custody since 27.12.2019 and out of 22 prosecution witnesses, only 05 witnesses have been examined so far. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel opposes the grant of bail to the petitioner. However, he does not dispute the fact that PW 3 Zamil Khan, subsequent complainant, has not supported the prosecution version.

I have heard the learned counsel for the parties.

Perusal of the record would show that initially, the above-noted FIR was registered under Sections 279 and 304-A IPC and it was only on the statement of subsequent complainant-Zamil Khan, ex-husband of the deceased, Section 302 IPC was added to the present FIR. However, subsequent complainant-Zamil Khan, while appearing before the trial Court as PW 7, has not supported the prosecution version.

The petitioner has been in custody since 27.12.2019. Out of 22 prosecution witnesses, 17 witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

06.07.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No